

Cave Junction's budget nearly the same as last year's

Law enforcement situation still up in the air

By Patti Richter of the Daily Courier

CAVE JUNCTION — Most things remain the same for the city of Cave Junction in its 2008-09 budget. But there is the possibility of at least one change — law enforcement — in the coming year.

City Recorder Jim Polk said he prepared the \$3.1 million budget, which is almost the same as last year. The city council will hold a public hearing to adopt the 2008-09 budget and gather public comment at 7 p.m. Monday at City Hall, 222 W. Lister St.

The budget does have some differences including about \$440,000 less in the waste water

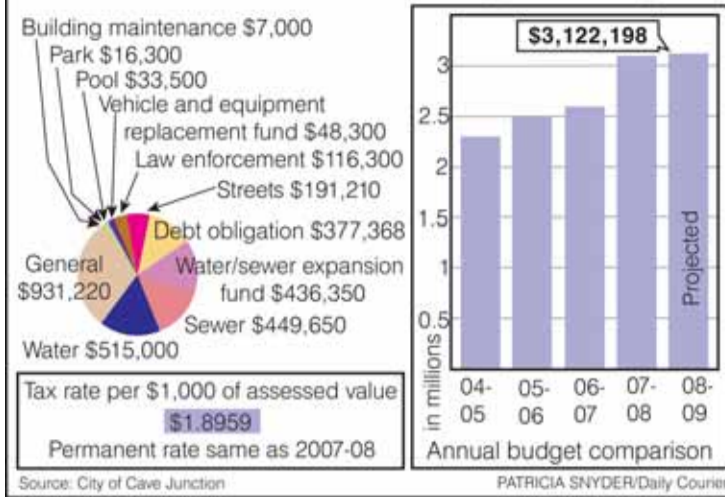
and sewerage system expansion fund due to a state grant that was lost last year. The city also has \$33,500 in a fund for the city's pool that was collected through donations.

Polk said the funds are being held to operate the pool, should it eventually open. In order to spend the money, the city has to include it in the budget. Polk would have to create a supplemental budget to spend it otherwise.

"We are maintaining the facility at the current level," he said. "We are not going to be opening the pool."

Another "placeholder" in the budget is for law enforcement services. The city has set aside \$116,300 to possibly contract with

Cave Junction city budget



the Josephine County Sheriff's Office to have a deputy patrol inside city limits on a full-time basis. Sheriff Gil Gilbertson has already sent the city a proposed contract but the City Council has

yet to discuss it.

"The money is set aside if the council decides it wants to pursue it," Polk said. "If they don't, it will be put in contingency or left where it is for the start of next year."

The law enforcement contract is on the agenda for discussion Monday night, in addition to the budget.

The city also continues to make \$183,684 payments on its revenue bond, which paid for the construction of the water and sewer plants that cost about \$13 million. The majority of the funding for the plants came from state and federal grants. Cave Junction also is required to keep an additional \$183,684 set aside to show it can make the payments for the following year as well.

Cave Junction taxpayers pay

In a nutshell

- WHO: Cave Junction City Council
WHEN: 7 p.m., Monday
WHERE: City Hall, 222 W. Lister St., Cave Junction
HOT TOPIC: Adopting the 2008-09 budget

a permanent tax rate of \$1.89 per \$1,000 of assessed value on their property. Property owners with a home with an assessed value at \$150,000 pay about \$284 a year in taxes. Assessed values are about half of market values, because of voter-approved property tax limits.

Reach reporter Patti Richter at 474-3723 or prichter@thedailycourier.com

Man claims self-defense in incident with neighbor

By Shaun Hall of the Daily Courier

MERLIN — A 34-year-old Merlin-area man said he was acting in self-defense Monday when he used the butt of a rifle to smash a neighbor in the face, according to a Josephine County Sheriff's Office report.

The man, Bryce Joseph "Joe" Clowery, also told a deputy that his rifle fired accidentally as he was defending himself.

Clowery, of 818 Merlin Sanitarium Road, claimed the neighbor threatened to take Clowery's SKS rifle and use it against Clowery.

The incident was reported at 8:03 p.m. Monday in the 800 block of Merlin Sanitarium Road. Clowery called 911 to say he was armed and that several people were in the area. He reportedly refused a suggestion to go inside, and instead asked how many people he should shoot, according to police.

Clowery later told an investigator the confrontation began after he fired a few rounds at the victim's pit bull to scare it.

The victim, Harvey Holland, 41, suffered facial swelling and bruising. He told an investigator that he was driving to the store with his girlfriend when an armed Clowery was roadside and ordered Holland to stop.

Besides getting hit with the rifle butt, Holland said Clowery fired a round about two feet from Holland's face. Holland said he felt the blast. He then fled.

Witnesses reported that Clowery pointed the gun at Holland and fired, and that they feared Holland had been shot. One witness reported hearing Holland tell Clowery early in the confrontation that Holland was going to take Clowery's gun.

Clowery is charged with second-degree assault, reckless endangerment and menacing. He remains in jail, in lieu of posting \$100,000 bail.

Reach reporter Shaun Hall at 474-3813 or shall@thedailycourier.com

'Oregon Treasures' bill introduced

Legislation would protect Rogue tributaries, expand Oregon Caves

By Jeff Duetzel of the Daily Courier

Legislation introduced Wednesday in the U.S. House of Representatives would protect 142 miles of Rogue River tributaries and make Oregon Caves National Monument nine times its current size.

The "Oregon Treasures" legislation would also add 132,000 acres of wilderness, 80 miles of new Wild and Scenic Rivers and 34,500 acres of National Recreation Areas to the Mount Hood National Forest.

We're hoping to raise the profile of Oregon Caves by further protecting it.

Peter DeFazio

The Rogue tributaries lie mostly between Grave Creek and Marial in what some call the Zane Grey roadless area. It would be upstream from the current Wild Rogue Wilderness covering 35,000 acres.

The legislation includes wild and scenic river protection for the nation's first underground stream, known as the River Styx, which runs through the caves, and provides for conservation groups to raise more than \$200,000 to pay grazing permit holder Phil Krouse to retire his grazing right.

He has indicated he is willing to make a deal, according to previous reports from the Associated Press.

"We're hoping to raise the profile of Oregon Caves by further protecting it," said U.S. Rep. Peter DeFazio, whose district contains the caves.

Concerns over water quality have arisen because of about 70 head of cattle that graze in the watershed around Bigelow Lakes, which also supplies the water for the monument.

Ranger John Roth said the expansion will give the caves



FILE/Daily Courier

Legislation introduced Wednesday would protect 40 streams that enter the Rogue River from Galice to beyond Marial. Many of these streams intersect the Rogue River Trail, shown here below Grave Creek.

more visibility on maps and hopefully increase visits by tourists.

"We're going to have a shape on the Oregon highway map," he said. "At 488 acres we're just a dot. By having a shape on a map, people will be able to find us more easily."

More people are also likely to camp at Cave Creek Campground since it will now be inside the park, Roth said. The expansion would also include more of High Hopes, Monument Deep, Oregon and Clay caves, part of the same cave

system. Oregon Caves, discovered in 1884 by Elijah Davidson of the Williams Valley, was created by President William Taft in 1909. The six-story chateau is a National Historic Landmark.

The protection of the 40 Rogue tributaries includes a half-mile wide buffer on both sides of streams. Much of the impetus for protection came from Bureau of Land Management plans to log the drainage of Kelsey and Whiskey creeks. Two of those timber sales have

been held up by a court order requiring more analysis of the protected northern spotted owl.

"The most critical tributaries with the clearest, coldest water are not protected, and some are at risk," DeFazio said.

About 40 local business owners sent DeFazio letters in 2007 requesting more protection.

Reach reporter Jeff Duetzel at 474-3720 or jduetzel@thedailycourier.com

CJ man found guilty of arson, murder

A Cave Junction man was found guilty Wednesday of setting a fire nearly three years ago that killed his rival for the affections of a woman.

Benjamin A. Tolle, 31, was found guilty of arson and murder in the December 2005 death of Curtis Dylan Willie, 28.

Willie died of smoke inhalation in his mobile home, at 208 Caves Ave. Tolle admitted to burglarizing Willie's home, but denied setting a fire there and using propane to fuel the inferno.

Willie, a wildland firefighter, was the father of a 2-year-old boy. He was found face down on the floor. It's unknown if he had somehow been subdued prior to the blaze, but he was highly intoxicated at the time, with a blood alcohol level of .18 percent.

Josephine County Circuit Court Judge Lindi Baker is expected to sentence Tolle to at least 25 years in prison. No sentencing hearing has yet been set.

Testimony in the case began last week, and the jury began deliberations Tuesday afternoon. It announced its verdict Wednesday afternoon. It was the second trial for Tolle. Last fall, a jury was unable to reach a verdict.

Tolle was arrested the day after Willie's death, after being found in Willie's stolen car. Prosecutor Lisa Turner painted Tolle as the angry, jealous former lover of Willie's girlfriend.

Early on the night of the fire, Tolle bumped into Willie and Robert Stephens at a bar in Cave Junction. Willie left and Tolle later walked with Stephens to the small trailer park where Willie and Stephens lived.

Tolle contended that Willie was not home when he burglarized Willie's home. Tolle later was found with Willie's wallet and cellular telephone. Turner argued that Tolle likely used a propane tank as a blow torch to ignite overstuffed furniture in the home.

Defense attorney Donald Scales argued that a second man, a neighbor of Willie, accused Willie of having sex with the neighbor's underage daughter, and wanted Willie dead, too.

The Josephine County Sheriff's Office investigated the case, with assistance from Oregon State Police.



TOLLE

Rogue River has new municipal judge

Jack Davis has been practicing law for more than 30 years

By Howard Huntington of the Daily Courier

ROGUE RIVER — The city's new municipal judge has been practicing law for more than three decades and knows both sides of the bench.

The City Council unanimously appointed Jack Davis to stand in for Municipal Judge James Hall after he died suddenly in March. Hall was 63 and had presided in Rogue River for 18 years.

Davis has now become permanent judge, a monthly job that pays \$120 a session and involves ruling on city code and noncriminal traffic violations.

Davis, who celebrated his 59th birthday Thursday, was born in Roseburg and inspired to go into law by a father, Robert, who did it all — private lawyer, district attorney,



HOWARD HUNTINGTON/Daily Courier

Jack Davis started practicing law in Grants Pass in 1975.

The family came to Grants Pass when Jack was 11, where he still lives and practices law.

He earned a law degree from

Seattle University and went into practice in 1975 in Grants Pass.

In addition to handling civil and criminal cases, including two murder trials, he became municipal

judge in Cave Junction in 1998 and still is, although his caseload has dropped off with cuts in law enforcement.

He has foregone the black robes, but still wears a tie to court. Davis and his wife, Kim, have a 24-year-old son, Geoff. In his spare time, the judge enjoys golfing and making stained glass.

Two seats also recently opened up on the Rogue River City Council, but Tony Castro is the only one in the running.

Councilors Dick Handbury and Wayne Stuart quit over a recently-expanded state ethics law that required them to publicize details about their own finances and family ties.

The law is also making it tougher to replace them, and two Planning Commission members who left for the same reason.

For more information about applying for the positions, call City Hall at 582-4401.

Reach reporter Howard Huntington at 474-3726 or hhuntington@thedailycourier.com

Police identify man who was killed in van crash on I-5

Police have identified a man who was thrown from his van and killed in a crash Sunday on Interstate 5 south of Grants Pass.

Pronounced dead on scene was 67-year-old Ronald Humphreys. But police haven't been able to reach his family and are asking the public for help. Phone Jackson County Medical Examiner Tim Pike at 776-6236 or Oregon State Police toll-free at (800) 442-2068.

Humphreys' address also appears to be a mystery. He was known to have lived in California, Utah and Oregon.

He was driving a 1993 Dodge Caravan and, according to one report to the Josephine County Sheriff's Office, it had Oregon license plates.

The accident occurred just after 6 a.m. near milepost 51 on I-5. Humphreys was southbound when the van strayed onto the gravel shoulder, then back onto the road before going out of control, rolling several times and ejecting him.

Police did not say whether Humphreys was wearing a seat belt. The crash is still under investigation.